

IN THE UNITED STATES DISTRICT COURT
THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

L.E., by his next friends)	
and parents, SHELLEY)	
ESQUIVEL and MARIO ESQUIVEL)	
)	
Plaintiff)	
)	
vs.)	No. 3:21-cv-00835
)	
BILL LEE, in his official)	
capacity as Governor of the)	
Tennessee, et al.)	
)	
Defendants)	

VIDEOTAPED
DEPOSITION
OF
MARIO ESQUIVEL
August 2, 2022

DONNA D. TOUSEULL, LCR
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APPEARANCES:

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MS. LI NOWLIN-SOHL

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Attorneys for Plaintiff

L.E. by his next friends and
parents, Shelley and Mario Esquivel

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Governor Bill Lee, et al.

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MS. AMANDA MORSE

MR. DAVID SANDERS (via Zoom)

Attorneys for Defendants

Knox County Board of Education, et al.

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	Esquivel to Shelley Esquivel	
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1 The videotaped deposition of MARIO ESQUIVEL, taken
2 pursuant to notice for any and all purposes allowable
3 under the Federal Rules of Civil Procedure before DONNA D.
4 TOUSEULL, Licensed Court Reporter in the State of
5 Tennessee, on the 2nd day of August 2022 at the Knox
6 County Law Office, Suite 612, City-County Building, 400 W.
7 Main Street, Knoxville, Tennessee.

8 It is agreed that the reporter may swear the
9 witness, take the deposition stenographically, and
10 afterwards reduce the same to typewritten form when the
11 completed deposition may be used in the above-styled
12 cause.

13 All objections except as to the form of the
14 question are reserved until the time of hearing. All
15 formalities are expressly waived as to caption,
16 certificate, transmission, and the reading and signing of
17 the deposition by the witness.

18 THE VIDEOGRAPHER: Okay. We're on the
19 record. The time on the camera is 9:02. You may
20 swear the witness.

21 MARIO ESQUIVEL,
22 having been first duly sworn, was examined and
23 testified as follows:

24 EXAMINATION

25 BY MS. BERGMEYER:

1 Q Okay. How long have you played golf?

2 A I've played golf maybe 22 years.

3 Q Did you ever play on a golf team?

4 A No.

5 Q When you play golf, do you play an
6 18-hole golf course?

7 A Typically, yes.

8 Q Okay. When you began to play with L.E.,
9 what golf courses did you play?

10 A Mostly middle-school courses.

11 Q Are those courses 18-hole golf courses?

12 A Yeah, some are 18, and some are
13 par-three courses, which are nine holes.

14 Q Are par-three courses shorter than
15 18-hole courses?

16 A Yes.

17 Q Okay. And I know that you mentioned nine
18 holes, but are the holes themselves shorter in distance?

19 A Yes.

20 Q Okay. Which golf courses have you played
21 with L.E.?

22 A We primarily play the par-three at
23 Concord Park Par 3.

24 Q Okay. What other golf courses?

25 A Knox Municipal Golf Course.

1 handicaps.

2 Q Okay. How do you calculate a handicap?

3 A There's -- you go to a course. You can
4 sign up for one, I believe. I believe Knox Community has
5 one, and you -- you play the same course, you log your
6 rounds in, and they average them out, and then they issue
7 an official handicap.

8 Q And the response to Interrogatory Number
9 2 states that L.E. has not calculated and does not have a
10 handicap index or a course handicap for '21 or '22; is
11 that correct?

12 A Yes.

13 Q Okay. Has L.E. ever calculated a
14 handicap?

15 MS. RILEY-SWANBECK: Objection.

16 A No.

17 Q Looking to Interrogatory Number 3, it
18 asks to identify the date and location of the last ten
19 rounds of golf that L.E. has played and the score for each
20 round. Did you provide the information that's provided in
21 response to Interrogatory Number 3?

22 A Yes.

23 Q I'm turning to Page 13 to verify the date
24 that these were submitted, and it appears to be July 13th
25 of 2022, which is on Page 13. So when you provided

1 information on or around July 13th of 2022, the only time
2 that L.E. had played a round of golf this year was one
3 time on May 7th?

4 MS. RILEY-SWANBECK: Objection.

5 A Yes.

6 Q Did you play that round of golf with
7 L.E.?

8 A On May 7th?

9 Q Yes.

10 A Yes. If I provided that, yeah.

11 Q I'm looking at the information provided
12 on Page 5.

13 A Oh, yeah, yeah, we've got it.

14 Q Okay. And it says that L.E. did not
15 track or record the score; is that correct?

16 A Yes, that's correct.

17 Q Okay. Did you keep track or record
18 L.E.'s score?

19 A No.

20 Q So you stated earlier that you haven't
21 calculated your official handicap but that you're over
22 100.

23 MS. RILEY-SWANBECK: Objection.

24 BY MS. BERGMEYER:

25 Q Do you have a similar estimate although

1 A That was a state -- the state meet in
2 Nashville.

3 Q Okay. Did L.E. participate in that meet?

4 A No.

5 Q Who from the Farragut Middle School golf
6 team -- and I'm not asking the individuals, but which
7 members participated in the state meet?

8 MS. RILEY-SWANBECK: Objection.

9 BY MS. BERGMEYER:

10 Q Let me ask a better question. Was there
11 a limited number of players that could participate in the
12 state meet for Farragut Middle School golf team?

13 A Yes.

14 Q Okay. Do you know how many players were
15 able to play?

16 MS. RILEY-SWANBECK: Objection.

17 A I believe it was two, but I could be
18 wrong on that.

19 Q Do you know how Coach Dave selected which
20 players would play at the state meet?

21 A Yes.

22 Q How?

23 A He takes the top scorer.

24 Q The top scorers for the season?

25 A Yes.

1 Q And L.E. was not one of the top scorers
2 that got to play in the state meet?

3 A Yes.

4 MS. RILEY-SWANBECK: Objection.

5 Q May 4th of 2020 mentions district. Do
6 you know what event that was?

7 A Yes. That was a regional meet.

8 Q Was there a limit on the number of
9 players that could participate in the district meet?

10 A Yes.

11 Q And do you know how Coach Dave chose
12 those players?

13 A The stop scorer.

14 Q Was L.E. one of the top scorers who got
15 to participate in the district meet?

16 A No. No.

17 MS. BERGMAYER: Okay. I'd like to make
18 this calendar the first exhibit to this
19 deposition.

20 (EXHIBIT 1, marked.)

21 MS. KNOWLIN-SOHL: To clarify, just the
22 calendar, not the school packet?

23 MS. BERGMAYER: Correct.

24 Q If you look at Interrogatory Number 15,
25 going back to the Knox County responses, -- it's on Page

1 FURTHER THE DEPONENT SAITH NOT.

2 MARIO ESQUIVEL

3
4
5
6
7 Sworn to before me when
8 taken August 2, 2022.

9
10
11 /s/ Donna D. Touseull

12 Donna D. Touseull

13 Licensed Court Reporter

14 LCR No. 342 / License Expires: 06-30-2024
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REPORTER'S CERTIFICATE

STATE OF TENNESSEE)

COUNTY OF KNOX)

I, DONNA D. TOUSEULL, Licensed Court Reporter in and the State of Tennessee, do hereby certify that I reported in machine shorthand the foregoing testimony held on the 2nd day of August 2022 that the foregoing 78 pages were transcribed by me and constitute a true record of the proceedings to the best of my knowledge and ability.

I further certify that I am not an attorney or counsel for any of the parties, nor an employee or relative of anyone connected with the action, nor financially interested in the action.

I further certify that I am duly licensed by the Tennessee Board of Court Reporting as a Licensed Court Reporter as evidenced by the LCR number and expiration date following my name below.

WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 22nd day of August 2022.

/s/ Donna D. Touseull

DONNA D. TOUSEULL
Licensed Court Reporter
LCR No. 342 / License Expires: 06-30-2024